

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

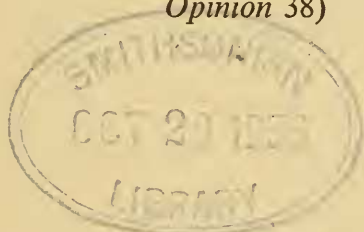
FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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DIRECTION 38

Rejection for nomenclatorial purposes of the anonymously published work entitled *Ornithologia britannica* issued in 1771 and believed to have been written by Marmaduke Tunstall and matters incidental thereto (cancellation of *Opinion 38*)



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN DIRECTION 38

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Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology)

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Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

DIRECTION 38

REJECTION FOR NOMENCLATORIAL PURPOSES OF THE ANONYMOUSLY PUBLISHED WORK ENTITLED “ORNITHOLOGIA BRITANNICA” ISSUED IN 1771 AND BELIEVED TO HAVE BEEN WRITTEN BY MARMADUKE TUNSTALL AND MATTERS INCIDENTAL THERETO (CANCELLATION OF “OPINION ” 38)

RULING :—(1) It is hereby ruled that in the anonymous work published in 1771 under the title *Ornithologia britannica* the author, who is reputed to have been Marmaduke Tunstall, did not apply the principles of binominal nomenclature, that in consequence no new name published in the foregoing work acquired the status of availability in virtue of being so published and therefore that the acceptance of that work for nomenclatorial purposes signified in *Opinion* 38 was incorrect.

(2) In view of (1) the Ruling given in *Opinion* 38 is hereby cancelled for all except historical purposes.

(3) The title of the work specified in (1) above is hereby placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* with the Title No. 48.

(4) Attention is drawn to the action taken by the Commission by the Ruling given in *Opinion* 404 under which the generic name *Pyrrhocorax* [Tunstall], 1771, the only new generic name published in the *Ornithologia britannica*, was validated under the Plenary Powers and placed on the *Official List of Generic Names in Zoology*.

(5) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

- (a) *Ampelis* Nozeman & Vosmaer, 1758 (a name published in a work rejected for nomenclatorial purposes¹) (Name No. 518) ;
- (b) *Columbus* [Tunstall], 1771 (an Erroneous Subsequent Spelling for *Columba* Linnaeus, 1758) (Name No. 519) ;
- (c) *Columbus* Linnaeus, 1758 (an Invalid Original Spelling for *Colymbus* Linnaeus, 1758) (Name No. 520).

(6) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name No. 1015 :—*Columba* Linnaeus, 1758 (gender : feminine) (type species, by selection by Vigors (1825) : *Columba oenas* Linnaeus, 1758).

(7) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 944 :—*oenas* Linnaeus, 1758, as published in the combination *Columba oenas* (specific name of type species of *Columba* Linnaeus, 1758).

I. THE SUBJECT MATTER OF THE PRESENT “ DIRECTION ”

The present *Direction* contains a revised Ruling regarding the status for nomenclatorial purposes of the anonymously published work entitled *Ornithologia britannica* commonly attributed to Marmaduke Tunstall which was published in 1771. It will be

¹ For the rejection for nomenclatorial purposes of Nozeman & Vosmaer, 1758, *Geslachten der Vogelen*, see *Opinion* 241 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 4 : 13—21).

recalled that, when on 1st September 1955 the Commission was invited on Voting Paper V.P.(O.M.)(55)22 to codify the Rulings in regard to the status of individual books and papers given by it in *Opinions* rendered up to the end of 1936, it was explained that further investigations were in progress in regard to the foregoing work and that in consequence it was not proposed on that occasion to submit any proposal for the codification of the Ruling given in *Opinion* 38, the *Opinion* in which in 1912 the Commission had previously dealt with the present subject². For various reasons the issue of the Voting Paper referred to above did not take place at as early date as had originally been expected with the result that the above Voting Paper was issued concurrently with the Voting Paper covering the Secretary's promised Supplementary Report on the *Ornithologia britannica* of 1771. That Report, which was also submitted on 1st September 1955, was as follows :—

**Proposed cancellation of " Opinion " 38 and matters
incidental thereto**

By FRANCIS HEMMING, C.M.G., C.B.E.,

(Secretary to the International Commission on Zoological Nomenclature)

Under decisions taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953 (*Copenhagen Decisions zool. Nomencl.* 24, Decision 24 ; *ibid.* : 23, Decision 23), an *Official List of Works Approved as Available for Zoological Nomenclature* and an *Official Index of Rejected and Invalid Works in Zoological Nomenclature* were established and the Commission was instructed to place on this new *Official List* and *Official Index* the titles of works which it had, in the one case, accepted and, in the other case, rejected for nomenclatorial purposes. The Commission has already complied with the above Directive as regards all *Opinions* rendered since 1936. Proposals are now being submitted², in connection with Voting Paper V.P.(O.M.)(55)22, to enable it to do so in respect of all *Opinions* rendered before the above date, except in the present case which it was considered could be more conveniently dealt with separately, and four others, which for various reasons are also dealt with separately.

² For the decision taken by the International Commission on Voting Paper V.P.(O.M.)(55)22 see *Direction* 32 (1956, *Ops. Decls. int. Comm. zool. Nomencl.* 1(C) : 307—328.

2. *Opinion* 38, with which the present paper is concerned, was published in 1912 (*Smithson. Publ.* 2060 : 89—90) under the title “On the Status of the Latin Names in Tunstall, 1771”. The work dealt with is a very slim large folio consisting of six unnumbered pages (T.P. and Verso blank, [1]—[4]). Its full title is as follows :—“*Ornithologia Britannica : seu Avium omnium Britannicarum tam Terrestrium quam Aquaticarum Catalogus, Sermone Latino, Anglico, & Gallico redditus : cui subjicitur Appendix, Aves alienigenas, in Angliam rara advenientes, complectens.* The Title Page states that this work was “Printed for the Author by J. Dixwell in *St. Martin’s Lane*” and bears the date “1771”. The work is anonymous but is attributed to Marmaduke Tunstall (1743—1790).

3. This book consists entirely of a tabular presentation of the names for the British birds known to the author. The entry in these tables for each species contains four columns devoted to (i) the Latin name of the genus, (ii) a Latin name for the species, (iii) an English vernacular name, (iv) a French vernacular name. The work has no pretention to originality, being, as is clearly shown by the following footnote, no more than a compilation from earlier works :—“*Nomina Latina vel ex Linnaeo vel ex ultima editione Zoologiae Britannicae, Gallica vero ornithologia Brissonii plerumque decerpta sunt*”. No bibliographical references are given for any of the 53 generic names cited and very few such references are supplied for the names used for species, there being references for only 14 of the Latin specific names and for one of the English names cited. Thus for 226 out of the 241 “species” recognised no bibliographical references are supplied. For fourteen of the species cited, polyverbal Latin specific names are employed.

4. It was recognised by the Commission that in this book Tunstall did not apply the principles of binominal nomenclature, it being stated in the Section of *Opinion* 38 headed “Discussion” that “the nomenclature is binary”. That the Commission felt able to accept names in Tunstall’s *Ornithologia* as possessing the status of availability was due to the fact that at that time it was guiding itself by the interpretation of Proviso (b) to Article 25 which it had given in 1910 in *Opinion* 20. In that *Opinion* it had ruled that the generic names but not the specific names, in the *Zoophylacium Gronovianum* of Gronovius were available, because, although that author had not applied the principles of binominal nomenclature, he had used a “binary” system of nomenclature, that is, he had realised that the scientific name for an animal must be so constructed as to recognise the twofold concept of genus and species. In Paris in 1948 the International Congress of Zoology rejected as defective the Ruling given in *Opinion* 20 and underlined its decision in this matter by substituting the expression “nomenclature binominale” for the expression “nomenclature binaire” wherever it occurred in the *Règles*. Following this decision the Commission during its Paris Session dealt with a number of its older *Opinions* in which the so-called “binary” system of nomenclature had been

recognised as conferring availability upon names published in the works concerned. Tunstall's *Ornithologia* had not then been re-examined from the foregoing point of view, and accordingly the disposal of generic names published in that work was left over for later consideration.

5. It is necessary therefore to examine the generic names used by Tunstall, to see which of them require to be validated, now that, the *Ornithologia*, contrary to the statement in *Opinion* 38, is found to be unavailable for nomenclatorial purposes. It is here that a paradoxical situation is disclosed, for of the 46 generic names cited by Tunstall, 41 were first published by Linnaeus in 1758, 3 by Brisson in 1760, and one by Linnaeus in 1766. Thus one new generic name only was published in this work. The names concerned are:—

- (1) *Names published by Linnaeus, 1758, forty-one (41)* :
Falco ; *Strix* ; *Lanius* ; *Corvus* ; *Picus* ; *Jynx* ; *Cuculus* ; *Sitta* ;
Alcedo ; *Certhia* ; *Tetrao* ; *Otis* ; *Columbus* ; (ex err. pro
Columba) ; *Turdus* ; *Sturnus* ; *Alauda* ; *Hirundo* ; *Motacilla* ;
Loxia ; *Fringilla* ; *Emberiza* ; *Parus* ; *Ardea* ; *Scolopax* ;
Tringa ; *Haematopus* ; *Charadrius* ; *Rallus* ; *Fulica* ; *Colymbus* ;
Recurvirostra ; *Alca* ; *Mergus* ; *Larus* ; *Sterna* ; *Procellaria* ;
Anas ; *Pelecanus* ; *Coracias* ; *Upupa* ; *Platalea* ;
- (2) *Names published by Brisson, 1760, three (3)* :
Gallinula ; *Phaleropus* ; *Merganser* ;
- (3) *Name published by Linnaeus, 1766, one (1)* :
Ampelis ;
- (4) *Name first published in Tunstall's "Ornithologia", one (1)* :
Pyrrhacorax.

6. We see therefore that the only purpose to be served by validating Tunstall's *Ornithologia* would be to provide a valid basis for the name *Pyrrhacorax* as the generic name for the Chough. That action is not now needed even for this purpose since in 1954 the Commission by its vote on Voting Paper V.P.(54)69 used its Plenary Powers to validate the name *Pyrrhacorax* [Tunstall] when dealing with Application Z.N.(S.) 492 (1952, *Bull. zool. Nomencl.* 9 : 53—61)³.

7. Both the name *Pyrrhacorax* and the name *Ampelis* were published in 1758 in Nozeman & Vosmaer's *Gesl. Vogel.* : 1, 15 (*Pyrrhacorax*) 2, 25 (*Ampelis*) and, as Tunstall's *Ornithologia* makes no pretension to being an original work, it is likely that Tunstall obtained these two names, if not direct from Nozeman & Vosmaer, at least from some book

³ The decision taken by the Commission on Application Z.N.(S.)492 (*Pyrrhacorax*) has since been embodied in *Opinion* 404 (1956, *Ops. Decls. int. Comm. zool. Nomencl.* 13 : 87—106).

containing a reference to these names. Nozeman & Vosmaer were not binominal authors and the work referred to above has for this reason been rejected by the Commission in *Opinion* 241 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 5 : 13—22). Since the two names referred to above found their way into Neave's *Nomenclator*, they are liable to mislead the unwary and it is desirable therefore that they should both now be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*.

8. It will be observed that in paragraph 5(1) above the name *Columbus*, as used by Tunstall, is treated as being a variant, accidental or intentional, of *Columba* Linnaeus, 1758. That this interpretation is correct is shown by the fact that the three species cited by Tunstall under *Columbus* (Stock-Dove ; Ring-Dove ; Turtle-Dove) were all included by Linnaeus in his genus *Columba*. It is desirable that the name *Columbus* [Tunstall] be now disposed of by being placed on the *Official Index* as an Erroneous Subsequent Spelling. At the same time the generic name *Columba* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 162) (gender : feminine) (type species, by selection by Vigors, 1825 (*Trans. linn. Soc. Lond.* 14 : 481) : *Columba oenas* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 162) should be placed on the *Official List of Generic Names in Zoology*, and the name *oenas* Linnaeus, 1758, as published in the foregoing combination, should be placed on the *Official List of Specific Names in Zoology*. Finally, it would be well to take note that there is an even earlier invalid usage of the name *Columbus*, namely, that by Linnaeus himself in 1758 in his preliminary section entitled "Classis II. Aves. Characteres Avium" (: 84) where he used this spelling for the genus numbered "68" which on page 134 he dealt with fully under the name *Colymbus*. This Invalid Original Spelling should now be placed on the *Official Index*. (No action is required in connection with the Valid Original Spelling *Colymbus* Linnaeus, 1758, for that name has already formed the subject of a decision by the Commission in its vote on Voting Paper V.P.(54)62)⁴.

9. The specific names cited by Tunstall have not been examined in detail, for even under the erroneous Ruling given in *Opinion* 20 (relating to the *Zoophylacium* of Gronovius), on which the Ruling given in *Opinion* 38 was based, the generic names only, of "binary but not binominal" authors, were acceptable. An inspection of Tunstall shows, it may be noted, that the great majority, if not all, the specific names which he cited in binominal combinations, as contrasted with his polyverbal specific names, were derived from Linnaeus. If any specific name were to be found to be currently accepted as from

⁴ The decision in regard to the generic name *Colymbus* Linnaeus, 1758, taken by the International Commission in its vote on Voting Paper V.P.(54)62 has since been embodied in *Opinion* 401 (1956, *Ops. Decls. int. Comm. zool. Nomencl.* 13 : 1—64).

Tunstall's *Ornithologia*, it would be necessary to treat that name as constituting a separate case, for that usage would not have been justified under the Ruling given in *Opinion* 38, even if that Ruling had been correct which, as shown in paragraph 4 above, it is now seen not to have been.

10. In the light of the particulars furnished above, I recommend the International Commission :—

(1) to take note :—

(a) that in the anonymous work published in 1771 under the title *Ornithologia britannica*, the author, who is believed to have been Marmaduke Tunstall, did not apply the principles of binominal nomenclature and therefore that the names published in the above work do not satisfy the requirements of Proviso (b) to Article 25 and accordingly that the acceptance of the above work for nomenclatorial purposes by the Ruling given in *Opinion* 38 was incorrect ;

(b) that in the above work the only new generic name introduced was the name *Pyrrhocorax* which has already been validated under the Plenary Powers by the vote taken by the Commission on Voting Paper V.P.(54)69, when dealing with Application Z.N.(S.) 492 which was expressly concerned with that name⁵;

(2) for the reasons specified in (1) above, to cancel *Opinion* 38 for all except historical purposes ;

(3) to place the under-mentioned title on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* :—
[Tunstall (M.)], 1771, *Ornithologia britannica* ;

(4) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—

(a) *Pyrrhocorax* Nozeman & Vosmaer, 1758 (a name published in a work rejected for nomenclatorial purposes) ;

(b) *Ampelis* Nozeman & Vosmaer, 1758 (a name published in a work rejected for nomenclatorial purposes) ;

(c) *Columbus* [Tunstall], 1771 (an Erroneous Subsequent Spelling for *Columba* Linnaeus, 1758) ;

(d) *Columbus* Linnaeus, 1758 (an Invalid Original Spelling for *Colymbus* Linnaeus, 1758) ;

(5) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* :—*Columba* Linnaeus, 1758

⁵ See footnote 3.

(gender : feminine) (type species, by selection by Vigors (1825) : *Columba oenas* Linnaeus, 1758) ;

- (6) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* :—*oenas* Linnaeus, 1758, as published in the combination *Columba oenas* (specific name of type species of *Columba* Linnaeus, 1758).

2. Registration of the present application : Upon the receipt of Mr. Hemming's Report, the question whether the International Commission should give a revised Ruling on the status of Tunstall's *Ornithologia britannica* of 1771 was allotted the Registered Number Z.N.(S.) 944.

II. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

3. Issue of Voting Paper V.P.(O.M.)(55)23 : On 1st September 1955, a Voting Paper (V.P.(O.M.)(55)23) was issued in which each Member of the Commission was asked (1) to state whether he agreed that, " in conformity with the General Directive relating to the recording on the various *Official Lists* and *Official Indexes* of decisions in regard to particular names and particular books issued to the International Commission by the Thirteenth International Congress of Zoology, Paris, 1948, and with the General Directive supplementary thereto issued to the Commission by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the entries on *Official Lists* and *Official Indexes* specified in paragraph 10 of the paper in regard to Tunstall's *Ornithologia britannica* of 1771 numbered Z.N.(S.) 944 submitted by the Secretary simultaneously with the present Voting Paper [i.e. in the paragraph numbered as above in the application reproduced in the first paragraph of the present *Direction*], together with the other recommendations specified in that paragraph, be approved ", and (2), if he did not so agree as regards any given item, to indicate the item concerned.

4. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the One-Month Rule, the Prescribed Voting Period closed on 1st October 1955.

5. Particulars of the Voting on Voting Paper V.P.(O.M.)(55)23 :

At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(O.M.)(55)23 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Bodenheimer ; Holthuis ; Lemche ; Hering ; Riley ; Mayr ; Vokes ; Miller ; Prantl ; Key ; Esaki ; Bradley (J.C.) ; Cabrera ; Stoll ; do Amaral ; Boschma ; Kühnelt ; Hemming ; Dymond ; Sylvester-Bradley ; Jaczewski ; Tortonese ; Mertens ; Bonnet ; Hankó ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

6. Declaration of Result of Vote : On 4th October 1955, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(O.M.)(55)23, signed a Certificate that the Votes cast were as set out in paragraph 5 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

7. Preparation of the Ruling given in the present “ Direction ” : On 9th January 1956, Mr. Hemming prepared the Ruling given in the present *Direction* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(O.M.)(55)23, subject to the exclusion from the said Ruling of the addition of the name *Pyrrhocorax Nozeman & Vosmaer, 1758*, to the *Official Index of Rejected and Invalid Generic Names in Zoology* in view of the fact that in the meantime the said action had been taken by the Ruling given in *Opinion 404*⁶.

⁶ See Footnote 3 of the present *Direction*.

8. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Direction* :—

Ampelis Nozeman & Vosmaer, 1758, *Geslacht. Vogel.* (Dutch translation of Moehring, 1752, *Avium Genera*) : 1, 2, 25
Columba Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 162
Columbus Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 84
Columbus [Tunstall], 1771, *Ornith. brit.* : [2]
oenas, Columba, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 162

9. The following is the reference for the selection of a type species for *Columba* Linnaeus, 1758, specified in the Ruling given in the present *Direction* :—Vigors, 1825, *Trans. linn. Soc. Lond.* **14** : 481.

10. Family-group-name position : The generic name *Columba* Linnaeus, 1758, placed on the *Official List of Generic Names in Zoology* by the Ruling given in the present *Direction* is the type genus of the well-known family COLUMBIDAE. It has not so far been possible to determine where this family-group name was first published. This matter is at present being investigated on a File numbered Z.N.(G.) 133, which has been specially opened for this purpose.

11. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Direction* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

12. The present *Direction* shall be known as *Direction Thirty-Eight (38)* of the International Commission on Zoological Nomenclature.

DONE in London, this Ninth day of January, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING